

# THE MORNING SUN.

"IF IT'S RIGHT WE'RE FOR IT"

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CLAUDE L'ENGLE, Editor

## EDITORIAL.

This news paper belongs entirely to the people of Florida. The expenses of its publication are met from a fund made up by the people of Florida.

This fund was turned over to me for this purpose—because in the fullness of their charity, the contributors confided in my humble capacity and limited experience to use it well, and in the integrity of my purpose to use it only for good, in strict conformity with the impulse that prompted them to raise it.

When asked to edit it, I said that I would be glad to do it, IF I WERE LEFT ENTIRELY FREE. I reminded them that the motto of The Sun was—"If it's right, we are for it," and that a paper sailing under this flag, carried NOTHING BUT TRUTH AND GOOD INTENT for ballast.

This accounts for the Morning Sun.

I ask all good men to help me.

CLAUDE L'ENGLE.

### THE COMPENSATION OF JENNINGS.

For the third time I have listened at length to the explanation offered by former Governor Broward of the payment of extra amounts as agent by the trustees to William Sherman Jennings, who had been employed by them as general counsel to attend to all the litigation in which the trustees were or could be interested.

And I am still of the opinion that the trustees gave a bonus to Jennings that they, as trustees of public money, had no right to give.

And which for this reason can properly be called graft.

And which, therefore, as this was the act of public officials giving away public funds to a man they all were fond of but who had legal right to receive it, I call graft—

And I do not use this term harshly, nor as epithet, nor as a term of opprobrium.

I use it because it was coined to fit this particular kind of case, and because it is one that all men know the meaning of.

I have also listened to the explanation of all the other trustees, and not a man of them has been more convincing than Broward has in his talk to me.

Broward's argument which punctuated his speech last Friday night, and which he used in two long personal talks to me, is, that the trustees did not pay Jennings too much money for the splendid work he did as their general counsel and agent.

I agree with him in this and with the other trustees' argument that Mr. Jennings' services as

general counsel and agent were poorly rewarded in money, considering the greatness of the services in comparison with the smallness of the money paid him.

Although forty thousand dollars looks pretty big to me, I agree with the trustees to the extent that an attorney doing the same work for private individuals would have been paid more.

But neither of these contentions of Broward and the trustees to which I am willing to agree, reaches the real point in the case of Jennings and the money paid him by the trustees.

And nothing that has been spoken or written by Broward, the trustees, or their other friends has appealed to me as evidence to justify the action of the trustees in paying a man more public money than they had agreed to pay him and that he had agreed to accept for certain clearly defined work.

By resolution Jennings was employed by the trustees as general counsel "to represent the trustees in all litigation which is now pending or which may arise during the year."

By another resolution his salary was fixed at \$5,000 per year.

These two resolutions not being rescinded by any other resolution, continued in force during the whole time Jennings served the trustees.

By his title of general counsel and under the terms of the resolution, Mr. Jennings was the agent of the trustees in the fullest extent of the word.

That a lawyer is also the agent of his client in all matters arising out of litigation is a proposition so axiomatic, and so in the nature of legal practice and ethics, necessarily true, that I have but to state it, to completely demonstrate it: Under the title of agent, Mr. Jennings was paid \$10,000 to compromise two cases, that it was his duty as a lawyer to settle the best way he could for the benefit of his client.

It is as much the duty of a lawyer to settle cases out of court as to carry them to the last court for settlement.

In the case of Jennings and the trustees, this lawyer (Jennings) was ordered by his clients to make a compromise of one case he had failed to win in the courts, and of another his clients evidently considered dangerous.

He was entitled to no more than his regular salary previously agreed on, for doing what all lawyers do with most of their cases—compromise.

When the trustees gave their lawyer "as agent" any sum of money in excess of his salary, they being trustees of public money, did wrong, and the money so paid was graft.

If the trustees had been a body of men handling private funds belonging only to them, they could have paid their lawyer as much as they pleased, beyond his salary, and no one would have the right to criticize them.

But they were not handling their own money, but public money, and therefor not in position to give bonuses for extra good work.

They had a contract, and they were bound by it.

I concede that the trustees thought they were doing nothing wrong when they gave this handsome largess to one of their friends, who they thought deserved it.

But they had no right to give Jennings \$10,000 as agent when the duties of agent were comprehended in his duty as lawyer at a regular salary for attending to all litigation.

It was litigation he was attending to when he settled the two cases for which he got the extra money.

As to the action of Jennings in representing Bolles, the purchaser, at the same time he was drawing a salary as attorney for the trustees, the sellers—

No man can defend it.

The minutes of the trustees—a public record—prove it.

It is so.

A lawyer who does these things should not be employed by persons in charge of the public business.

He has been employed by the present trustees.

He should be discharged.

As to the action that the legislature should take on the report that shows up the Jennings transaction, I can offer no suggestion.

The legislature is in session.

Wiser men than I compose its membership.

It is their problem until they adjourn without action.

I can say now, that some action should be taken on the report of the investigating commission.

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# The Sun

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